IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

WP(C).No. 14923 of 2004(B)

PETITIONER:

R.JOYLAL, RENJANA, KARETTEE P.O.
CHIRAYINKIL, THIRUVANANTHAPURAM.

BY ADV. DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR

RESPONDENTS:

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1. STATE OF KERALA, REP. BY THE
SECRETARY TO GOVERNMENT LABOUR AND REHABILITATION
(S) DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND,
THIRUVANANTHAPURAM.

3. R.USHAR, LAKSHMI VILASOM,
PAZHAYANCHANTHA, KALLARAP.O. THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SMT. DEEPA
ADV. SRI.K.HARILAL, SC,KMTWF BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF FINAL ASSESSMENT ORDER NO.B3/ET-122/01-02 DATED 1.8.2002.

EXT.P2: COPY OF NOTICE ISSUED BY THE UNION DATED 31.7.2002.

EXT.P3: COPY OF REPLY GIVEN BY THE PETITIONER TO THE UNION DATED 6.8.2002.

EXT.P4: COPY OF ORDER NO.G.O.(Rt) No.1047/2004/LBR DATED 16.4.2004.

TRUE COPY

P.A TO JUDGE

KURIAN JOSEPH, J.

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W.P.(C)NO.14923 OF 2004

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Dated this the 28th day of March 2007

JUDGMENT

Petitioner is aggrieved by the recovery steps for contribution towards the Motor Transport Workers Welfare Fund. It is seen that petitioner had pursued the statutory remedy also. In the counter affidavit filed on behalf of the first respondent, it is stated that the final determination order was passed after conducting proper enquiries. The District Executive Officer had offered three opportunities to the petitioner and the petitioner did not effectively utilise any such opportunity. On the basis of the enquiry conducted, it was revealed that Sri.Ushar was in continuous service under the petitioner and he was eligible to get his contribution. In view of the facts stated in the counter affidavit for which there is no reply, I do not find any merit in the writ petition. It is accordingly dismissed. The petitioner will be permitted to remit the balance in three instalments starting from the month of May 2007.

KURIAN JOSEPH, JUDGE

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